

The Greater Tom Nevers Area Plan

Submitted for Review & Approval by—

The Nantucket
Planning & Economic
Development Commission

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The Greater Tom Nevers Area Plan –

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The Greater Tom Nevers Area Plan –

Background

In late 2005, an article to change the zoning for a portion of the Tom Nevers area was submitted for approval at the April 2006 annual Town Meeting. Discussions with the Planning Department about this proposed zoning change revealed that other neighborhoods have undertaken, or were considering, area plans for their areas—and that it is the policy of the Planning Department to consider proposed zoning changes in the context of an overall plan for an area, which fully reflects the desires of the residents of that area. The Planning Department then suggested that an Area Plan for the Greater Tom Nevers Area be undertaken and that any zoning proposals be included as part of that overall plan. The sponsor of the 2006 article agreed with this approach and tabled the article at Town Meeting.

In 1976, the Tom Nevers Civic Association, Inc. (TNCA), a non-profit organization under I.R.S. code 501(c) 4, was formed to represent the residents of the Greater Tom Nevers Area. According to the bylaws of this association, each family that owns property in the area is automatically a member of the association, regardless of whether they pay annual dues or not. As of this date, there are nearly 600 TNCA members and all communications from the association are sent to all members. The area covered by the association stretches from the eastern fence of the Nantucket Memorial Airport to the western boundary of the village of Siasconset and from Milestone Road on the north to the Atlantic Ocean on the south. Appendix I is a map of the Greater Tom Nevers Area represented by this association. The TNCA is considered the official representative of this neighborhood in the Nantucket Civic League.

To facilitate the development of the Greater Tom Nevers Area Plan, the TNCA board of directors agreed to underwrite any reasonable costs associated with its development and to assist in communicating details about the plan and its development to its full membership. To assure objectivity, the TNCA board of directors also agreed that the Area Plan should be developed independent of the board and not subject to its approval.

In June 2006, a working group was formed to initiate the process of preparing the Area Plan. The members were chosen in proportion to the number of lots in each of the local areas: Tom Nevers East - 4, Tom Nevers West - 3, Tom Nevers South - 2, Wigwam - 1, Madequecham -1.

In addition, two members from the Nantucket Planning & Economic Development Commission volunteered to be members of the group and several others served as support personnel and advisors. Except for the president of the TNCA, no other member of the association's board served as a member of the work group. The work group met on a regular basis throughout the development of the Area Plan. Through a series of TNCA newsletters, all property-owners in the Greater Tom Nevers Area were kept fully informed of the Area Plan's goals and development process and were encouraged to actively participate. Appendix II is a list of the work group members.

During the summer of 2006, eight moderated focus groups were conducted to define issues, concerns, and probe weaknesses/strengths for each of the eight topic areas prescribed as elements for inclusion in a master plan, under Massachusetts General Law, Chapter 41, Section 81d. All residents of the Tom Nevers Area were invited to participate, either in person or by submitting comments to work group members orally or by email. In addition, work group members personally contacted many people in the area to elicit their views. Appendix III is a compilation of the results of these focus group sessions, which were then used to design a broader survey for mailing to all residents.

In November 2006, a detailed property-owner survey was conducted by mail. The response to this survey was 40.2%, an unusually high return for a survey of this type. A summary report was issued on February 15, 2007 and Appendix IV is a copy of that report.

As the process was proceeding, TNCA communicated the results to all property owners through its newsletters. The first, in the Summer of 2006, outlined the essential elements of an area plan, described the process that would be followed to develop the plan and introduced the work group and its members. Appendix V is a copy of that newsletter. Once the survey was completed, TNCA issued a second newsletter which provided a further update to all property owners and summarized the results of the survey. Appendix VI is a copy of that newsletter. Once the draft Plan had been written another newsletter was issued, in the Summer of 2007, to describe the

highlights of the plan and direct residents to the Town's web site to read the full version of the plan and record their comments. Appendix VII is a copy of that newsletter.

The work group also conducted a series of interviews and discussions with members of various Town Departments and other groups that impact the Tom Nevers Area. The purpose of these meetings was to gather information about ideas and recommendations that came to light during the focus group sessions. For example, a strong interest was expressed in several of the focus groups to extend NRTA bus service down Tom Nevers Road. This concept was later explored with the NRTA director. The intent was to include, as part of this Area Plan, recommendations that have been discussed with the responsible organizations and for which costs and/or other potential obstacles have been identified.

Based on all of the above input, the work group then developed and refined the Greater Tom Nevers Area Plan that follows. The numbered sections have been structured to conform to the elements of the master plan outlined in M.G.L. Chapter 41, Section 81d. When approved by the Planning Board, it is intended that this Tom Nevers Area Plan become an integral part of the overall Nantucket Master Plan and be used to guide the Town's planning agencies.

Equally important, this Area Plan will also provide the Greater Tom Nevers Area itself with an agreed-upon, neighborhood-wide road map for ongoing improvements and continued sound decision-making.

The Tom Nevers Civic Association has been charged with following-up on the implementation of the recommendations contained in this Area Plan.

The Greater Tom Nevers Area Plan –

1. Goals & Objectives

A. *OVERVIEW*

The Greater Tom Nevers Area holds a unique position in the Island's history and state of current development. Almost totally undeveloped until the 1970s, the Greater Tom Nevers Area is now home to nearly 600 families—with their private houses nestled into a naturalistic countryside preserve. More than 67-percent of the Greater Tom Nevers Area is under conservation or government ownership. No other neighborhood on the Island has such a high percentage of its land under conservation protection.

The entire Greater Tom Nevers Area is characterized by its naturalistic setting—with vast areas of dense foliage teeming with wildlife, open grasslands marked with unique geological features and rare plant species, and more than 5 ½ miles of open beaches. With the exception of two Town-owned roads, all the roads in the Greater Tom Nevers area are private abutter's ways. The area has no commercial development, but it does boast one of the Island's largest recreational areas—Tom Nevers Field.

Historically, the Greater Tom Nevers Area was the Island's most prized territory—home to Sachem Wanackmamack and the Island's Wampanoag Indian leadership. Sited at the highest point on the Atlantic south shore, Tom Nevers Head boasted commanding views of both the rising and setting sun, uncommonly fertile soil, sweet fresh water springs and ponds, and an abundance of sea life along its broad shoreline and migrating birds in its highlands. So important did the Wampanoag consider this territory that they refused to sell any land rights in it to the English until 1741—a full 82 years after the English settlers first came to the Island and began their land acquisitions. In fact, it was the very last area of the Island surrendered-for-sale by the native population.

Based on this and a series of other fortuitous historical factors, including the leasing of the entire area by the U.S. Navy during World War II, no significant real estate development

occurred in the Greater Tom Nevers area until the early 1970s—far later than in most other sections of the Island. And even then, strict building standards were included in all new deeds to assure a rural setting with low building density, well before the Historic District was expanded to cover the whole Island.

In 1972, when zoning was passed into law for Nantucket, the entire Tom Nevers Area was zoned Limited Use General-3 (LUG-3) -- which requires a minimum lot size of 120,000 square feet, or approximately 2.75 acres (this is commonly referred to “3 acre zoning”, even though it is less than a full 3 acres). At the time this zoning was implemented in the Greater Tom Nevers Area, there existed a number of smaller non-conforming lots, resulting from subdivisions created in the early part of the 20th century. These smaller non-conforming lots were grandfathered-in.

By 1982, fewer than 110 homes existed in the entire Greater Tom Nevers Area—all but 4 of them to the east or south of Tom Nevers Road. Since then, more than 450 homes have been added—all with 3-acre zoning. And today, very few privately-owned building lots remain available for development.

The housing stock in the Greater Tom Nevers Area ranges from modest vacation cottages nestled in the scrub oak to grand oceanfront summer homes. But more than 70-percent are 3-to-4 bedroom family homes. Only 14-percent of the developed residential properties have secondary dwelling units, and nearly 2-out-of-3 of these are garages with guest facilities.

In 2005, an estimated 30-percent of the property owners in the Greater Tom Nevers Area were year-round residents, many with children at home.

In a recent annual survey, residents of the Greater Tom Nevers Area cited these factors as the things they “liked best” about the Tom Nevers Area –

“Its peace, quiet, and privacy” (76.3%) ... “Its country setting” (28.8%) ... “Its open vistas” (25.4%) ... “Its friendly neighbors” (23.8%).

In summary, the Greater Tom Nevers area can best be described as... “A unique, family-oriented countryside preserve, away from the hustle and bustle of other parts of the Island.”

B. *CONCLUSIONS AND RECOMMENDATIONS*

In its current state of development, the Greater Tom Nevers Area should be considered “an extremely successful neighborhood”—one that is highly-regarded by all sub-sets of its residents. Continuing to meet their needs, preferences, and aspirations is our principal challenge in this Area Plan.

In the January, 2007 property-owner survey, a combined 98.4 % of the respondents agreed that they “love the Greater Tom Nevers area as it exists today”, strongly indicating that major changes are not desired. All five sub-neighborhoods share this overwhelmingly positive view, as do all categories of property owners – year-rounders, seasonal residents and property owners who live elsewhere. It is strongly recommended that heavy and ongoing emphasis should be given to protecting and preserving those elements that residents consider to be the area’s principal assets—its open vistas...peace, quiet and privacy...and its country setting.

2. **Land Use**

A. *OVERVIEW*

The Greater Tom Nevers Area is composed of approximately 3,047 acres—of which 2,048 acres (or 67.2 %) are owned by various conservation agencies or the Town of Nantucket. The remaining 33.8 % of the land is divided into 596 privately-owned properties with valid owner addresses. The entire area is zoned Limited Use General-3 (LUG-3), which requires a minimum lot size of 120,000 sq. ft. and permits a cover ratio of 3%, and is classified as part of the “country” zone of the island. (Please see *Code of the Town of Nantucket*, Chapter 139 for a full description of Nantucket zoning.)

Approximately 85 % of the privately-owned properties have at least one dwelling unit on them and about 1-in-7 of these have secondary dwellings, which are permitted in the LUG-3 areas. Some acreage was subdivided before the zoning bylaws were enacted, so there are a number of non-conforming lots which do not meet the minimum lot size. These lots are “grandfathered” under Massachusetts General Law with respect to size, but must conform to all other zoning requirements. There are no commercial enterprises in the area, although a few residents conduct a “home occupation” from their residences, subject to the limitations contained in the Town bylaws. Approximately 31% of the residents live here throughout the year, 61% are seasonal residents (many of whom live here for six months each year) and 8% are “absentee-owners” who own property here but live elsewhere. In short, Tom Nevers is a residential area with vast expanses of conservation land and a healthy mix of year-round and seasonal residents—all of whom prize the area’s country setting, open vistas, and peace and quiet. 98.4% of the property-owners in the area say that they love the area as it exists today and all five of Tom Nevers’ sub-neighborhoods share this overwhelmingly positive view, as do all categories of property owners – year-rounders, seasonal residents, and property owners who live elsewhere.

B. *FUTURE GROWTH*

Over the course of the next 10 to 15 years, 75% of the residents in the Greater Tom Nevers Area expect the area to approach full “build out”, with almost all available building lots developed and with larger homes beginning to replace small older cottages. 60% of the residents believe that the area will become over-developed unless further restrictions are placed on the addition of secondary dwellings, although there is a general concern about the lack of affordable housing for working families.

C. *PAPER ROADS*

A majority of the residents support the idea of reviewing all the paper roads in the area and retaining those that have a clear public benefit, such as access to the beaches and the retention of roads for access in the event of fire. They also support the idea of disposing of those roads that do not have a public benefit, so that the land can be returned to the tax rolls.

D. *BEACH ACCESS*

A majority of the residents also support the concept of maintaining access to our beaches by any means possible. Certainly, paper roads that provide beach access should be a major factor in preserving this access indefinitely. Covenants in deeds that provide access for the public—and properties owned by the Town of Nantucket or by various conservation organizations—must also be part of the overall planning for beach access. A comprehensive plan that includes all of these access possibilities should be developed for the area to insure that adequate access is preserved to all beach areas. These access points, wherever possible, should be spread out along the entire stretch of beach in the Tom Nevers Area. In addition, these access points must be clearly marked and any attempt by adjoining neighbors to encroach on the access paths or limit public use of these paths should be dealt with promptly by the appropriate Town enforcement agencies.

E. *ZONING CHANGES*

This subject is a difficult one because of the potential long-term impact that any zoning change can have on the area. The desire to keep the Greater Tom Nevers Area as it is now—as expressed overwhelmingly by the area’s residents—stands in sharp conflict with the financial and sociological benefits that could accrue from zoning changes to create smaller lots. This conflict has existed for some time and will undoubtedly continue as long as property values remain high. Indeed, it is an island-wide problem. Nevertheless, the recommendations contained in this section represent the will of the vast majority of the area’s current residents and, as such, should be followed for the foreseeable future.

In the January 2007 property-owners survey, 82.5% of all Tom Nevers residents said they do not support changing the zoning in Tom Nevers West from LUG-3 to LUG-1 (40,000 sq. ft minimum size)—with only 10.3 % supporting the idea. Within Tom Nevers West, only 23.1% said they support the down-zoning concept—while the remainder do not. On a broader basis, 86.6% of all Tom Nevers residents believe that any down-zoning in Tom Nevers West will have a ripple effect on the rest of the Greater Tom Nevers Area.

These findings are quite decisive and therefore should be reflected in the final Greater Tom Nevers Area Plan. But in the future, if there is any significant change in the area's property-ownership composition, or if evolving economic or social events dictate, then an updated survey should be conducted and the Area Plan modified accordingly.

F. *CONCLUSIONS AND RECOMMENDATIONS*

1. The overwhelming desire of the current residents of the Greater Tom Nevers area is to keep the area as it is now. Therefore, no actions should be taken that would cause major changes to the area.
2. The current LUG-3 zoning should not be changed.
3. Existing paper roads should be reviewed as part of a comprehensive planning process and those that have a clear public benefit, such as providing access to the beaches or providing for fire protection, should be retained. The remaining roads should be returned to the tax rolls after appropriate action by Town Meeting.

3. Housing

A. *OVERVIEW*

Like much of the Island, the Greater Tom Nevers Area has seen significant development in recent years. But unlike many other areas, this growth has occurred organically—through the gradual addition of custom-built homes, rather than from multi-unit subdivisions. Widely-spaced single-family homes characterize the area. There are no condo complexes or multi-unit rental properties in Tom Nevers. And while the housing stock ranges from modest vacation cottages to grand oceanfront summer homes, more than 70% are 3-to-4 bedroom family homes.

The vast majority of the existing private lots in the Greater Tom Nevers Area have at least one structure on them now and there are no large tracts in private ownership that could be subdivided. Therefore, the potential for future growth lies mainly in the addition of

secondary dwellings and the enlargement of existing dwellings. There is an overall concern about the lack of affordable homes for middle class working families, but there is no clear solution to this economic problem. A public/private co-operative effort, similar to that undertaken for the school employees, appears to offer the best hope at this point. The residents feel, however, that this type of effort is best undertaken in less-remote parts of the Island. If a financial incentive, such as a tax credit, could be developed for those willing to rent a secondary dwelling to individuals with designated critical skills, then the problem may be eased, but not solved. Home ownership should be our overall goal, as rentals provide no pride of ownership.

B. *AFFORDABLE HOUSING*

The consensus opinion expressed in the 2007 property-owner survey is that the Tom Nevers Area is already providing its “fair share” of affordable housing for the Island, particularly when contrasted with other neighborhoods that have yet to begin. There is support for gradually adding more individual “affordable housing” units, provided that they are interspersed among existing lots, and particularly if they are built by *Habitat for Humanity*. In addition, there is little support for creating an “affordable housing” complex with multiple units in the same area.

According to the Nantucket Housing Authority, there are currently at least 7 homes in the Tom Nevers Area that officially qualify as “affordable housing”, either as owned homes, rental units or those included in the housing rehab program. It is also likely that a number of individual property-owners in the Greater Tom Nevers Area rent units to lower income individuals and families who work on Nantucket. In addition, there is an undeveloped 17-acre parcel adjacent to Tom Nevers Field that is owned by the Housing Authority. This property was originally designated as a potential site for affordable housing, but several factors, in addition to costs, have prevented implementation of that concept. Unfortunately, this parcel is located far from Town and there is no year-round public transportation available. Even in the summer, when there is transportation along Milestone Road, it would be a 2.5 mile walk from this site to the nearest bus stop. A further deterrent is that the shoreline very close to this parcel is currently subject to some of the Island’s greatest annual

erosion, posing a threat to any building project. Also, the area contains some endangered plant species. For all these reasons, this 17-acre parcel is far from ideal for affordable housing. As such, the Housing Authority should consider exchanging this parcel for another parcel held by one of the conservation groups—a parcel that is nearer to Town and public transportation.

C. *SECOND DWELLINGS*

There is a general concern that the Tom Nevers Area may become over-developed through the widespread addition of secondary dwelling units. In fact, 59.7% of the residents believe that in order to preclude over-development in Tom Nevers, further restrictions should be placed on the addition of secondary dwellings. Only 23.8% believe that no further restrictions are necessary. While no consensus emerged on how to fairly limit secondary dwellings, there was support for providing a financial incentive for voluntary compliance. For example, a tax credit, a direct payment, or a charitable contribution deduction in exchange for a restrictive covenant on the property, would be acceptable to many people. In August 2006, a new law (HR 4) went into effect that increased the deduction a donor may take for granting a conservation easement and that also extended the carry-forward period for these deductions. It is possible that this change, particularly if it is extended indefinitely, will help mitigate the growth potential of secondary dwellings in the area. Other forms of limitation without compensation, such as a “cap”, were not supported by the residents.

D. *ZONING ENFORCEMENT*

A solid majority of the residents, 57.2%, believe that there is a growing problem with negligent absentee-landlords who buy area properties for employee housing or rental income and then allow these properties to deteriorate and become eyesores. (There is a corollary problem, with some property owners running disruptive private businesses from their homes.) While the Town does have a mechanism to enforce the zoning bylaws, this process appears to be cumbersome and not very effective to most residents. Complaints must be submitted in writing; there is no guarantee of anonymity for the complainant; and there is no feedback that the complaint was investigated or resolved. This may be just a problem in communications or there may be a defect in the process itself.

E. *CONCLUSIONS AND RECOMMENDATIONS*

1. Most residents believe the Tom Nevers area will achieve near full “build-out” in the next 10 – 15 years and that over-development will occur without further restrictions on secondary dwelling units. As such, there is support to limit the development of secondary dwellings through the use of financial incentives.
2. The Tom Nevers Area has successfully integrated some “affordable housing” into its neighborhoods. And there is some support for adding more “affordable housing” units, provided that they are interspersed among existing lots. But there is virtually no support for creating an “affordable housing” complex within the neighborhood.
3. In order to preserve the quality of the neighborhood, the existing zoning bylaws need to be enforced, with feedback given to those who have filed complaints.

4. **Economic Development**

A. *OVERVIEW*

The discussions relating to economic development in the Greater Tom Nevers Area were limited, because no commercial retail, manufacturing or service industry businesses operate in the area today—and because there was no desire among Tom Nevers property-owners to create even a small area where commercial businesses could be established. The entire Greater Tom Nevers Area is a residential area and the residents want to keep it that way.

In an earlier study designed to recommend potential uses for the old Navy Base (now Tom Nevers Field), there was a recommendation to build a community center and to include space for a small convenience store. But this concept is now considered impractical. The economics for running a small store—open only a few months of the year and at the end of what is essentially a dead end street—would not succeed without greatly inflated prices...which, in turn, would drive customers to other markets.

B. *SMALL HOME-BASED BUSINESSES*

There is general support for accommodating small home-based businesses, provided they do not disturb the neighborhood with disruptions to the peace, beauty and tranquility we all prize. Many year-round and seasonal property-owners in the Greater Tom Nevers Area are self-employed and operate out of their homes. Most are good neighbors. But a few are proving disruptive—contributing noise, odors, extra traffic and visual “eye-pollution” from trucks, large construction equipment and associated materials, and storage of miscellaneous items. It is likely that some are not in compliance with existing zoning bylaws or health regulations. As noted in the “Housing Section” (under “Zoning Enforcement”)—this is a serious problem which needs to be addressed if the Tom Nevers Area is to remain as the vast majority of the residents want it to be.

C. *CONCLUSIONS AND RECOMMENDATIONS*

The Greater Tom Nevers Area should protect its position as a residential area with no commercial-scale retail, manufacturing or service industry businesses. While property-owners are open to self-employed residents operating small home-based businesses, steps should be taken to assure that these businesses do not become disruptive or compromise the residential nature of the Tom Nevers Area.

A number of homes have been purchased for use as employee housing, but the number of people residing in these dwellings do not comply, in some instances, with Town bylaws. Similarly, home-based business such as camps, day care centers and cooking or food smoking operations exist in the area and their compliance with existing bylaws is problematical.

Therefore, it is recommended that—

1. A set of guidelines be developed and published, which define, in practical form, some of the regulations and standards contained in existing Town bylaws. These guidelines could serve to aid those who are contemplating beginning a home-based business, and would also establish criteria to which neighbors of existing home-based businesses could refer. And importantly, these guidelines could form a common denominator for enforcement. (For example, Chapter 139 of the Code of the Town of Nantucket

permits home occupations...”provided that excessive noise, traffic, odor.....are avoided.” The proposed guidelines would contain examples of what constitutes excessive noise, traffic or odors, rather than leave the interpretation of those terms to each individual.)

2. If a special zoning variance is granted to permit a home occupation that would not normally be permitted, a covenant should be established that requires the owner to restore the property to non-commercial status if the business is closed.

5. Natural and Cultural Resources

A. *OVERVIEW*

The Nantucket Conservation Foundation (NCF) and the Nantucket Land Bank own vast tracts of land in the Tom Nevers Area, which contribute greatly to the sense of open space and natural vegetation that is so highly prized. For the sake of clarity, recommendations pertaining to these organizations will be contained in this section, while recommendations for the beaches and Tom Nevers Field will be addressed in Section 6 – “Open Space and Recreation.”

B. *NCF PROPERTIES*

Consistent with the Nantucket Conservation Foundation’s stated mission of—“Conserving, maintaining, and managing its natural areas and habitats...and encouraging an appreciation and interest in the Island’s natural resources” ... and also consistent with the NCF’s oft-stated goal of making their properties more accessible to the public — the residents of the Greater Tom Nevers Area strongly recommend that the NCF make a number of enhancements to their Tom Nevers properties. Combined, these enhancements would make the NCF properties in Tom Nevers more accessible to the public, reduce the danger of brush fires, and restore more of the rare sand plain grasslands.

Specifically, we would encourage the NCF to open up a series of walking paths, horse trails and bike paths. And where feasible, to add some small unpaved parking areas, so that visitors could park near the start of these trails. Sanford Farm and Ram's Pasture are excellent examples of the type of natural property, with limited parking, that we would like to encourage. In addition to the trails and parking areas, we would also like to suggest a program of selective cutting and controlled burning of invasive species like scrub oak, which is fast overtaking the rare sand plain grasslands in our area. The work done by the NCF on the north side of Milestone Road, commonly known as the "Serengeti", is a wonderful model that we would like to see expanded to the south side of Milestone Road. In addition to opening up broad vistas, brush cutting would reduce the fire danger in the area. The residents of Tom Nevers West and Wigwam Road are particularly concerned about the danger of fire, because dense underbrush in the conservation lands comes very close to their homes.

At the far eastern end of the Tom Nevers Area, the NCF properties include the land adjacent to Tom Nevers Pond and also an old dirt road, now overgrown, that goes from Milestone Road to the Pond. We think brush cutting that road to reopen it up would provide an additional source of water for firefighting and add to the options the Fire Department now has to refill their tankers.

C. *LAND BANK PROPERTIES*

The Land Bank properties are not as extensive in our area as the NCF properties, but several are strategically placed to provide access to the beaches and the ocean. Two of these properties, Tom Nevers Beach and Madequecham Beach, are accessible to the public and have parking areas. The property at Tom Nevers Head has not been accessible to the general public because there is no space for parking. However, we would like to suggest that a walking path be cut through to the beach so that residents in the immediate vicinity can have an easier access to the beach. In addition, we encourage the Land Bank to install signs near the beach that identify their property and list the appropriate uses for that property.

D. *DEER HERD AND LYME DISEASE*

There is an almost universal concern about the incidence of Lyme's Disease in the area and about the size of the deer herd. Almost 65% of the residents support the idea of actively encouraging deer hunting in the conservation lands in Tom Nevers. And more than half of the residents also support the idea of qualified bow hunters being invited to hunt on private property. But since more than a third of the residents do not support this idea—particularly those who live along Tom Nevers Road—the decision to authorize deer hunting on private property should be left to the individual property-owner. If the NCF begins to clear some of the invasive species south of Milestone Road, this may help to control the size of the deer herd in the area.

E. *CULTURAL RESOURCES*

No historic structures exist in the Greater Tom Nevers Area. And no archeological traces remain of the once great Sachem Wanackmamack. A shallow, overgrown gully is the only reminder that the Nantucket Railroad once crossed over our lands. As such, all our cultural resources reside in the talents of our people and in close- by Siasconset and Nantucket Town.

F. *CONCLUSIONS AND RECOMMENDATIONS*

1. The NCF should be encouraged to develop a plan for its properties in the Tom Nevers Area that includes the clearing of walking paths, horse trails and bicycle paths. Limited unpaved parking areas should be created to enable residents, other than those in the immediate neighborhood, to come and enjoy the open spaces. A program of brush cutting and controlled burns should be instituted to gradually reduce the dense invasive species and reestablish the sand plain grasslands.
 2. The Land Bank should be encouraged to establish a walking path from Tom Nevers Head to the beach for the use of local residents. Signs should be erected and other markers installed to insure that public access to the beaches over Land Bank and NCF properties is maintained.
 3. Deer hunting should be encouraged, where permitted, in order to reduce the size of the herd in the area.
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6. Open Space and Recreation

A. *OVERVIEW*

The Tom Nevers Area has two outstanding recreational assets—more than five miles of beaches...and Tom Nevers Field, with approximately 19 acres of Town-owned land that is used primarily for family recreation. The Field has a baseball diamond, a softball field, picnic tables and grills, a children's playground and permanent restroom facilities. Two open areas are used for a variety of community events—ranging from the VFW carnival, to the demolition derby, the Atheneum-sponsored Circus Flora, and the Island Fair. During warm weather, the Field is host to many families and groups who use its amenities, while during the cold weather, hardy individuals and their dogs enjoy the harsh winds, pounding surf, deserted roads and beaches.

B. *TOM NEVERS FIELD*

The Nantucket Parks and Recreation Commission administers the Field on behalf of the Town and is responsible for the maintenance and improvement of its facilities. Any request for use of the Field must be approved by the Commission, as well as a number of other Town departments, before the Board of Selectmen grant final approval. The Commission and the Director of Parks and Recreation have gone out of their way to insure that any application for use of the Field will not disturb those who live in the area, due to excessive crowds, noise, traffic or any other unusual disturbance. Over the last decade, guidelines have been developed by the Tom Nevers Civic Association and the Commission that establish minimum criteria for one-time events at the Field. Adherence to these guidelines has led to a number of excellent events at the Field and little or no problems with the residents. In fact, every year the Tom Nevers neighborhood volunteers to collect entrance fees and park cars for the Park and Recreation Commission's Island Fair in September. Appendix VII is a copy of those guidelines.

A number of things can be done to improve Tom Nevers Field still further. The residents strongly support the removal of the concrete remains that erosion has caused to fall from the

bluff to the beach. The concrete and its exposed rebar represent a hazard to children and animals and should be broken up and removed. In addition, the large numbers of old tires that were once used to define a go-cart track should also be removed. Because Waste Options charges a fee to dispose of old tires, the area has become a dumping ground for old tires that people are too lazy or too cheap to take to the landfill. By removing the tires completely, it is hoped that the area will not be a dumping ground in the future. We believe this destructive behavior would be curtailed if the Town, or the Park and Recreation Commission, posted signs warning dumpers of severe fines and possible loss of licenses. A vast majority of the residents – 84.5% - believe that Tom Nevers Field is such an important asset to the Island that a long-range plan should be developed to guide its future improvements. Such a plan was developed shortly after the GSA sold the old Navy Base property to the Town, but it has not been updated since then. Once the plan has been completed and approved, we think the necessary funding for the improvements should be brought before Town Meeting. It was also suggested that a portion of the revenue raised at some of the events at the field should be used to fund ongoing improvements at the Field. The residents support the efforts of the Parks and Recreation Commission to institute fees for the use of the Field for major events. However, special events at the Field should not be allowed to become so numerous that they usurp the major purpose of the Field – passive family recreation.

C. *BEACHES*

The pristine beaches and open ocean vistas are some of the most attractive aspects of the Tom Nevers Area. Erosion has become a major problem along this stretch of our coastline for the last 20 or so years, with an average of 15-feet being lost each year in some places. This erosion of the bluffs has made it difficult to access the beach from the vicinity of Tom Nevers Field and people trying to reach the beach frequently contribute to the destruction of the bluff by walking or jumping through the gullies. We recommend that removable steps be installed from the Field to the beach to promote both the use of the beach and to protect the bluff from additional erosion caused by pedestrian traffic. These steps can be drawn up on the bluff during the off-season or before major storms. It is possible that private funding may be available to pay for the steps. As noted in the preceding section, beach access also needs to be improved near Tom Nevers Head.

D. CONCLUSIONS AND RECOMMENDATIONS

1. A long-range plan for improvements at Tom Nevers Field should be developed that retains the family-oriented focus on passive recreation.
 2. The Parks and Recreation Commission should continue to limit the number of large events permitted at the Field so that use by the general public is not curtailed and the nearby residents are not disturbed.
 3. Removable steps should be installed at Tom Nevers Field to provide safer and easier access to the beach and to avoid further breakdown of the banks by pedestrian traffic.
 4. The concrete and rebar debris on the beach and the tires at the defunct go-cart rack should be removed from Tom Nevers Field.
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7. Services and Facilities

A. OVERVIEW

The Greater Tom Nevers Area is entirely contained in the Country Overlay District of Nantucket, the purpose of which is to “to discourage development and preserve areas characterized by traditional and historic rural land use patterns.”¹ There is no postal delivery in the area; all residents get their mail at one of the post offices on the island.

The main electric, telephone and cable TV service feeds come from Milestone Road down Tom Nevers Road, with these utility lines running above ground on poles. Distribution of these services to properties on either side of Tom Nevers Road is underground—so that, with the exception of Tom Nevers Road, there are no telephone poles in the area. All fresh drinking water in the area comes from individual wells on each property and there are no plans to bring water mains to the area. The sewer system does not serve Tom Nevers and the Comprehensive Wastewater Management Plan said that “Conventional Title 5 septic systems are the recommended long-term wastewater disposal solution for this area.”² The Tom Nevers area is not considered a “needs” area with respect to wastewater management

¹ Code of the Town of Nantucket, Chapter 139 12(F)2

² Comprehensive Wastewater Management Plan and Draft Environmental Impact Report, Vol. I, page 1-17 Earth Tech, Inc., 196 Baker Avenue, Concord, Massachusetts 01742-2167, September 2003

planning. With the exception of Tom Nevers Road, all roads in the area are private, and most are abutter's ways. Tom Nevers Road is paved and maintained by the Town. The roads in Tom Nevers East are paved and maintained by the Property Owners Association of Tom Nevers East, Inc. (P.O.A.T.N.E.). But most of the remainder of the roads in the Greater Tom Nevers Area are unpaved, with maintenance left to the individual residents who live on them.

Tom Nevers East is unique in that the original developer installed paved roads and required buyers to create a property-owners association (P.O.A.T.N.E.) to maintain them.

Each deed in Tom Nevers East contains a covenant that requires the owner to belong to the property-owners association and pay annual dues for the maintenance of their roads. This system has worked very well for more than 30 years.

Other sub-neighborhoods in the Tom Nevers Area would like to have a similar system for maintaining their roads, but it has proven difficult, if not impossible, to get all property owners to agree to establish such an association with the attendant deed covenants. What has evolved is a loose confederation of property owners on a given street contributing to the maintenance of that street. Unfortunately, not all owners contribute and other people in the general area tend to use those roads that are well-maintained, leading to some bad feelings.

There are no sidewalks or bicycle paths in the Greater Tom Nevers Area and pedestrians walk on the side of the road.

Fire protection is provided by the Nantucket Fire Department, with stations in Siasconset and mid-Island. Water is brought to a fire scene by truck, with refills obtained from two special wells in Tom Nevers East (which were installed by the property-owners association) and from Tom Nevers Pond, the closest source of large amounts of fresh water. Fire insurance rates are lower in some parts of Tom Nevers East, if those properties are in close proximity to Tom Nevers Pond and the wells that were installed.

B. *FIRE PROTECTION*

Fire protection is a major concern for area residents. There are no fire hydrants in the area, as there is no public water supply. In the event of a fire, the Fire Department has to respond with equipment from the main fire station on Pleasant Street and possibly from 'Sconset. Tanker trucks must bring water with them and then shuttle back and forth to the nearest water supply to replenish their supply of water. Tom Nevers Pond is the nearest large supply of water to the area and the Fire Department and the Nantucket Conservation Foundation maintain access to the Pond for the fire equipment. In addition, wells have been installed in Tom Nevers East that can be used to re-supply the trucks.

Almost all residents in the Tom Nevers Area pay higher fire insurance premiums because their homes are not located within a specified distance—usually 1,000 feet, of a hydrant or water supply. Two possible plans to provide more water supplies for fire fighting have been discussed. The first is to drill more shallow wells that could be used to provide water to fight fires. These wells must have a sufficient flow of water near the surface because the pumps on the tanker trucks cannot draw up a supply from a deep well. The second possibility is to bury large tanks around the area and fill them with water that could be drawn out by the Fire Department when an emergency occurs. Both options would have to be paid for and maintained by the homeowners in the area.

Clearing of brush and the creation of fire lanes in conservation properties adjacent to homes are other preventative measures that can and should be taken. Some homeowners and landscapers have been known to dump brush and other cuttings adjacent to occupied areas thereby increasing the fuel supply in the event of a fire. Every effort should be made to prevent this type of dumping.

C. *DIRT ROADS*

Poor maintenance of dirt roads remains one of the greatest challenges in the area, not only for the residents but also for emergency and delivery vehicles. Some people believe that poorly-maintained roads discourage traffic and slow cars that do travel the road, while others are concerned about emergency vehicle access and the wear-and-tear on their vehicles. There is

no clear support among residents living on dirt roads for a Town ordinance requiring maintenance, nor is there general support to form an association to maintain the roads. At best, there are pockets of interest along some roads which can be mobilized periodically to grade or otherwise make-passable individual roads.

D. *WATER QUALITY*

The Wannacomet Water Company has indicated that their studies have shown there is an ample supply of fresh water in the aquifer beneath the Tom Nevers Area. Although an ample supply of water exists, most wells are shallow wells (50-feet or less) and therefore the threat from contamination from surface sources remains, even though the deeper strata of water remain pure. The residents support three initiatives to protect the purity of our drinking water. First, more than 86% favor the exclusive use of non-contaminating lawn and garden chemicals in the area. Second, 76% support encouraging property owners to have their septic systems pumped out at least once every three years. Finally, a large number of residents support the idea of regularly monitoring the quality of the water at shallow depths beneath our area. The Director of the University of Massachusetts Field Station has agreed to provide technical support for this monitoring effort.

E. *OVERHEAD UTILITY LINES*

The overhead pole line for all utilities serving the most populated areas in Tom Nevers (excluding Wigwam and Madequecham) runs down the east side of Tom Nevers Road—the same side chosen for the projected paved bicycle path (please see “Section 8 – Circulation”). When that path is constructed, a large number of residents support the idea of placing those utility lines underground and therefore eliminating the remaining telephone poles in the area. Massachusetts General Law provides that the utility companies involved would pay for all or part of the cost of relocating these facilities under these circumstances.³

F. *CONCLUSIONS AND RECOMMENDATIONS*

1. Those portions of the area that have dirt roads will be encouraged to form informal groups to address road maintenance. Communication and education, including the cost of regular grading if done for a large area, will be the prime means of forming these groups.

³ M.G.L. Ch. 81, Sect 7 G

2. Information about non-contaminating lawn and garden chemicals should to be collected and communicated to the area residents and landscapers.
 3. Information about the benefits of regular septic pump outs should be gathered and distributed to the property owners.
 4. A program to systematically sample and analyze water samples from a number of locations in the area should be instituted.
 5. When the bicycle path is constructed, all the utilities along Tom Nevers Road should be placed underground.
 6. Additional supplies of water for fire fighting, such as wells or buried storage tanks, should be investigated under the guidance of the Nantucket Fire Department.
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8. Circulation

A. *OVERVIEW*

Because the Tom Nevers Area is so far from Town and the mid-Island retail stores, virtually all trips are made using personal vehicles. Traffic on Tom Nevers Road becomes very heavy during the warm weather months and the intersection of Tom Nevers Road and Milestone Road has become increasingly congested. The NRTA bus stop at that location and the bike path crossing further complicate this intersection. The residents generally support improving the intersection to make it safer, but a clear concept for improvement has not yet emerged, nor has the question of funding for such a change been addressed. There is support for creating a small park-and-ride lot near the intersection, but there does not appear to be a suitable location that would not create additional traffic problems near the intersection. Noise created by aircraft flying over the area is a constant problem, particularly during the early morning hours. The Tom Nevers neighborhood has consistently registered a significant number of noise complaints with the airport administration, and residents from the area are members of the Noise Advisory Committee that provides advice and recommendations about aircraft noise to the Nantucket Memorial Airport Commission. Aircraft noise is a problem that can never be eliminated, but it can be minimized.

B. *AIRCRAFT NOISE*

The F.A.A. has complete jurisdiction over the airspace above the island. Its overarching concern is for the safety of aircraft and passengers, not the reduction of aircraft noise. Wind, weather and traffic volumes dictate which runways will be used, how aircraft will approach the runways and which direction planes will fly when they take off. Voluntary noise abatement routes have been established, but adherence to those routes is not always possible or desirable. The most effective action is to first increase resident awareness about airport operations, so that they can differentiate between flights that have no option over which route they take and those that could fly a different, less noisy route. And then to encourage residents to bring proper pressure to bear on those offending airlines to comply with voluntary noise abatement routes.

C. *BICYCLE PATH*

More than 75% of the residents support building a paved bike path from Milestone Road down Tom Nevers Road to Tom Nevers Field. If built, the path would divert bicycle and pedestrian traffic from a high-speed road with heavy vehicular traffic at certain times of the year—and thereby reduce the risk of a serious or fatal accidents. Such a path has been included in the overall Nantucket plan for bicycle paths and the cost has been estimated. In January, 2007, construction costs for a hard-paved bicycle path were estimated at \$250 per linear foot. The entire length of the path would be 11,700 linear feet, yielding a projected total cost, in 2007 dollars, of \$2,923,000. This project is currently ranked 21 of 23 projects on the Nantucket Planning and Economic Development Commission's (NP&EDC) priority list, with lack of funding, the need to acquire easements from property owners and the presence of endangered species in the area as the main factors contributing to the low priority. Long-range plans have construction of the path scheduled between 2026 and 2030. To provide some relief in the interim, an unpaved bike path through the NCF land along the west side of Tom Nevers West should be considered. Although an unpaved path would not attract as many users as a paved path, it would help to divert some of the pedestrian/bike traffic from Tom Nevers Road and it would allow additional access to the NCF properties. Many residents are not satisfied with the Town's prioritization of the proposed bike path and would like to see it undertaken sooner than the current plan.

D. *BUS SERVICE*

Many residents would like to see the Nantucket Regional Transit Authority (NRTA) extend its bus line down Tom Nevers Road during the season. This would reduce, for many residents, the near-to-total dependence on cars for travel to Siasconset, mid-Island and Town. It would also reduce the pedestrian traffic along Tom Nevers Road, as people now have to walk to and from the current bus stop at the corner of Milestone Road and Tom Nevers Road. The Administrator of NRTA has estimated that, in 2007 dollars, it would cost about \$123,000 to provide service from mid May through the first week in October from 7 AM to 11:30 PM. and new equipment would have to be added to the fleet. Funding for the new equipment has been requested from the State but it will not be known until later in 2007 whether the request has been approved. Additional obstacles will have to be overcome before a new Tom Nevers route could be established, but service to the area is high on NRTA's priority list and may be realized within the next few years.

E. *PARK-AND- RIDE*

There has been considerable discussion about creating a park-and-ride lot near the intersection of Tom Nevers Road and Milestone Road. Such a lot would enable residents of the area to drive to the NRTA stop (some from more than two miles away) and take public transportation into Town. If walking trails are created in the NCF property, this lot could also serve those who would like to hike in the area. The only land suitable for such a lot is on NCF property on either side of Tom Nevers Road. Unfortunately, access to such a lot from Tom Nevers Road would create an additional hazard of an entrance/exit near the intersection of Milestone Road. This would increase congestion at the intersection and, depending on the location of the lot, create the potential for an accident near the intersection. If the entire intersection is reconfigured at some point in the future, then creation of a park and ride lot adjacent to the NRTA stop should be considered.

F. *CONCLUSIONS AND RECOMMENDATIONS*

1. The Greater Tom Nevers Area should continue to supply representatives to the Noise Advisory Committee of the Airport Commission. Every effort should be made to educate people about flight patterns, runway use and weather conditions, so that they can

understand when noise abatement routes can be flown and then bring suitable pressure on the airlines to comply with those routes.

2. The Town should be urged to move the Tom Nevers bike path up in its priority list. Consideration should be given to undertaking the project in two parts—from Milestone Road to Old Tom Nevers Road...and from Old Tom Nevers Road to Tom Nevers Field. This would spread out the cost of the project, while providing some immediate relief to the pedestrian/bike/vehicle congestion on the upper part of Tom Nevers Road.
3. Every effort should be made to obtain the necessary funds for NRTA to create a route down Tom Nevers Road. Such an expansion is at the top of their priority list; all that is lacking is the necessary State and Town funds.

9. IMPLEMENTATION

OVERVIEW

Implementation of many of the recommendations contained in this Area Plan will depend on the approval and support of a number of private and governmental agencies. In addition, some recommendations will require additional funding, which may involve a separate approval process—for example, approval by Town Meeting. In short, the most significant obstacle that will hinder the implementation of these recommendations is the response -- *“We think that’s a great idea, but we don’t have the money to do it now.”* Nevertheless, it is important to move forward with implementation even if the final steps may take many years to complete.

To insure that the Greater Tom Nevers Area Plan is not placed on a shelf and forgotten, the Board of the Tom Nevers Civic Association, Inc. has agreed to coordinate the oversight of the implementation efforts on an ongoing basis. In most cases, small committees will be formed to carry out the implementation steps in each area; and the Association newsletter will be used both to solicit volunteers and to report on progress—

as well as to provide ongoing information to Tom Nevers Area residents on how they can personally contribute to the Plan’s successful accomplishment (e.g. – the use of non-contaminating lawn chemicals, fire safety, zoning compliance, etc.).

The following sections detail the initial action steps to be taken to implement the key “Recommendations”—as reported in the “Conclusions and Recommendations” at the end of each of the preceding Plan Sections. (While not included here because of their far broader and more generalized application, the “Conclusions”—as reported in the above “Conclusions and Recommendations” sections—will guide ongoing decisions, policies and priorities at the local area level.)

1. GOALS AND OBJECTIVES

“Heavy and ongoing emphasis should be given to protecting and preserving those elements that residents consider to be the area’s principal assets—it open vistas...peace, quiet and privacy...and its country setting”

Action Step—

- Evaluate all current and planned initiatives impacting the Greater Tom Nevers Area against the above criteria and provide or withhold support accordingly.

2. LAND USE

Paper Roads - *“Existing paper roads should be reviewed as part of a comprehensive planning process and those that have a clear public benefit, such as providing access to the beaches or providing for fire protection, should be retained.”*

Action Step—

- Approach the *Town Roads and Right-of-Way Committee* [current Chairperson is Allen Reinhard] to determine how best to include the Tom Nevers effort in the Nantucket Town and County Right-of-Way Improvement Plan. Volunteer the Tom Nevers Area as a testing ground for the Town and County Plan.

3. *HOUSING*

Secondary Dwellings - *“There is support to limit the development of secondary dwellings through the use of financial incentives.”*

Action Steps—

- Explore the concept of restricting secondary development rights on a voluntary basis through the use of a covenant with various conservation agencies and determine the process to value such a “gifted” covenant.
- Gather relevant Internal Revenue Service information about deducting the value of development rights.

Zoning Enforcement - *“While the Town does have a mechanism to enforce the zoning bylaws, this process appears to be cumbersome and not very effective to most residents.”*

Action Steps—

- Discuss the Tom Nevers perception of the problem with responsible Town employees to see what suggestions they have.
- Investigate establishing a local “clearing house” to report and track reported zoning violations.

4. *ECONOMIC DEVELOPMENT*

Home-Based Businesses - *“A set of guidelines (should) be developed and published, which define in practical form some of the regulations and standards contained in existing Town bylaws.”*

Action Steps—

- Draft guidelines that include the following home-based businesses: camps, day care centers, cooking or food smoking operations, landscaping, and construction.
- Meet with the responsible Town employees to obtain their input and recommendations.

- Communicate these guidelines and recommendations to Tom Nevers property-owners through the TNCA newsletter.
- Review existing Town bylaws to determine if, when a special zoning variance is granted for a business, that variance expires when the business is closed. If the existing bylaw is unclear, prepare an article for a future Town meeting to have the variance expire either when the business is closed or the property is sold.

5. NATURAL AND CULTURAL RESOURCES

NCF Properties - *“The NCF should be encouraged to develop a plan for its properties in the Tom Nevers area that includes the clearing of walking paths, horse trails and bicycle paths.”*

Action Step—

- Meet with Nantucket Conservation Foundation executives to discuss the Area Plan in general and the following recommendations in particular—clearing of walking paths, horse trails and unpaved bicycle paths; creation of limited unpaved parking areas; a program of brush cutting and controlled burns to reduce invasive species, reestablish sand plains grasslands and reduce fire hazards.

Land Bank Properties - *“The Land Bank should be encouraged to establish a walking path from Tom Nevers Head to the beach for the use of local residents.”*

Action Step—

- Meet with the Land Bank executives to discuss the Area Plan and this recommendation.

6. OPEN SPACE AND RECREATION

Tom Nevers Field - *“A long-range plan for improvements at Tom Nevers Field should be developed that retains the family-oriented focus on passive recreation. In addition, the number of large events permitted at the Field should be limited; removable steps should be installed for easier access to the beach; and the concrete and rebar debris on the beach and the tires should be removed.”*

Action Steps—

- Meet with the Director of Parks and Recreation and the Parks and Recreation Commission to discuss the Area Plan and its recommendations.
 - Present the updated version of the TNCA Position Paper on the Use of Tom Nevers Field (Appendix VIII) to the Parks and Recreation Commission for their consideration.
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7. SERVICES AND FACILITIES

Maintenance of Dirt Roads – *“Those portions of the area that have dirt roads will be encouraged to form informal groups to address road maintenance.”*

Action Steps—

- Contact island contractors to obtain rough estimates to grade the Tom Nevers West roads.
- Publish the contractor’s information in the TNCA newsletter to facilitate the formation of local committees to deal with road maintenance.

Groundwater Protection - *“Information about non-contaminating lawn and garden chemicals and about the benefits of regular septic system pump outs should be collected and distributed to property owners.”*

Action Steps—

- Collect the information related to groundwater protection and provide it to property owners through the TNCA newsletter.

- Contact the Nantucket Landscapers association and request that they provide similar information and recommendations to their customers in the Tom Nevers Area.

Water Testing - *“A program to systematically sample and analyze water samples from a number of locations in the area should be instituted.”*

Action Steps—

- Contact the University of Massachusetts field station to develop a detailed plan for testing water quality in the Greater Tom Nevers Area.
- Solicit volunteers to participate in the plan and to collect and process the samples.
- Publicize the results of the sampling efforts regularly in the TNCA newsletter.

Fire Protection (Water Supply) - *“Additional supplies of water for fire fighting, such as wells or buried storage tanks, should be investigated under the guidance of the Nantucket Fire Department.”*

Action Steps—

- Contact the Fire Department and request that they review the existing sources of water for fire protection and recommend additional supplies, where needed, in the Greater Tom Nevers Area.
 - Solicit volunteers in each local area to publicize the recommendations from the Fire Department, examine possible sources of funding, and implement those recommendations for which funding is available.
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8. CIRCULATION

Aircraft Noise - *“The Greater Tom Nevers Area should continue to supply representatives to the Noise Advisory Committee of the Airport Commission.”*

Action Steps—

- Publish information frequently about how to report aircraft noise complaints, the weather and traffic conditions that affect traffic patterns, and trends in compliance with the voluntary noise abatement routes.
- Encourage residents to attend Noise Advisory Committee meetings and Airport Commission meetings.

Bicycle Path - *“The Town should be urged to move the Tom Nevers bike path up in its priority list.”*

Action Steps—

- Formally request that the Town move up the Tom Nevers Road bicycle path on its priority list and that construction be divided in to two phases -- Milestone Road to Old Tom Nevers Road, and Old Tom Nevers Road to Tom Nevers Field.
- Request that the overhead utility lines along the East side of Tom Nevers Road be placed underground as part of the bicycle path project.

NRTA Bus Route - *“Every effort should be made to obtain the necessary funds for NRTA to create a route down Tom Nevers Road.”*

Action Step—

- Formally request that a bus route down Tom Nevers Road be established as soon as funds are available.
-